REMARKS

Claims 1-2 and 6-17 are pending in the application, of which Claims 1 and 11 have been amended. No new claims have been added.

Claims 1-2, 6-11 and 17 stand rejected under 35 U.S.C. §103(a) as unpatentable over **Towle et al.** (previously applied) in view of newly-cited U.S. Patent 5,038,285 to **Jouandet** or U.S. Patent Publication 2003/0050527 to **Fox et al.**

Applicants respectfully traverse this rejection.

As noted in Applicants' previous response, and as admitted by the Examiner, **Towle et al.** fails to disclose that the step for projecting the positions on the head surface onto the positions as the brain surface is carved out by a "minimum distance search" method or by a "head surface/brain interior reference dotted line segment connecting method" as recited in claim 1 of the instant application, but the Examiner has cited **Jouandet** or **Fox et al.** for teaching this the "minimum distance" method.

Applicants respectfully disagree.

Jouandet discloses a method for deriving a planar representation of a three-dimensional surface which includes the steps of: deriving a plurality of tomographic slices of the three-dimensional surface; positioning reference points about a perimeter surface of each tomographic slide; creating a straight line representation of each perimeter surface with its reference points, each straight line representation having a length value proportional to the perimeter surface from which it was created; adjusting the straight line representations to be adjacent to each other in the order of their respective tomographic slices, to thereby create a planar map of the three-dimensional surface when the straight line representations are plotted; and reducing distortion between straight line representations by finding the average minimum distance between positionally closest reference points on adjacent slice surface lines; and repositioning the straight line representations in accordance with the findings.

Fox et al. has been cited for teaching convex hull fitting and "minimum distance" from the head.

Neither of these references teaches the minimum distance search method as disclosed in the instant application. **Jouandet's** method is directed to creating a planar map of a 3-D surface where the straight line representations are plotted, and finding the "average minimum distance" between positionally closest reference points on adjacent slice surface lines, while paragraph [114] of **Fox et al.** mentions only "a second volume that is guaranteed to be a minimum distance from the head surface can be created."

Neither of these descriptions teaches, suggests or is even relevant to the "minimum distance search method" as recited in claim 1 of the present invention, which is used "to obtain a minimum distance between the head surface and the brain surface expressed as a straight line," as disclosed in paragraph [0014] of the specification of the instant application.

Accordingly, claims 1 and 11 have been amended to clarify this description.

Thus, the 35 U.S.C. §103(a) action should be withdrawn.

Claims 12-16 stand rejected under 35 U.S.C. §103(a) as unpatentable over **Towle et al.** in view of **Jouandet** or **Fox et al.**, and further in view of **Yamashita et al.** (previously applied).

Applicants respectfully traverse this rejection.

Yamashita et al. has been cited for teaching a light measuring instrument that is applied to a test object, for example, the skin of the head, and light is reflected inside the test object thereby to detect the light passing through said test object and to image the cerebral interior [see column 5, lines 60-67 and column 6, lines 1-35] but, like the other cited references, fails to teach, mention or suggest the "minimum distance search method" as recited in the amendments to claim 1, from which these claims depend.

Thus, the 35 U.S.C. §103(a) rejection should be withdrawn.

The claims are now ready for further examination.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105.

Dated: May 17, 2010

Customer No. 21874

Respectfully submitted,

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